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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,397	10/25/2001	Tamotsu Koiwai	IPO-P1132.1	1943
3624	7590	03/01/2005	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			THOMPSON, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/001,397	KOIWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Timothy J. Thompson	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 21 and 23-30 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8, 9, 11, 13-20, 22 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/979,642.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 8,9, 11, 13-20, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Akihiro(JP-05-203856).

Regarding claim 1, Akihiro discloses a moveable flare diaphragm(fig 1, 12, 12a, 12b) disposed on an optical path of lenses(fig 1, 10) or in a vicinity thereof such that said flare diaphragm respectively, advances in a direction toward and retreats in an opposite direction away from the optical path for cutting deleterious light responsive to said lenses moving in a projecting direction and a collapsing along an optical axis (abstract, col 2).

Regarding claim 2, Akihiro discloses said flare diaphragm is adapted to advance and retreat responsive to a respective change in focal distance of said lens(abstract).

Regarding claim 3, Akihiro discloses a moveable lens frame is used as a driving source for moving said flare diaphragm(abstract, col 2).

Regarding claim 6, Akihiro discloses at least one point along the flare diaphragm remains stationary and another portion thereof moves into and out of the optical path(abstract, col 2).

Regarding claim 8, Akihiro discloses the flare diaphragm swings about a fixed pivot point(abstract, col 2).

Regarding claim 9, Akihiro discloses a flare diaphragm disposed on an optical path of lenses or in a vicinity thereof such that said flare diaphragm advances into and retreats from the optical path for cutting deleterious light responsive to said lenses moving in a direction of an optical axis, wherein a driving motor for driving said lenses for zooming or focusing is used as a driving source of said flare diaphragm(abstract, col 2).

Regarding claim 11, Akihiro discloses a flare diaphragm disposed on an optical path of lenses or in a vicinity thereof such that said flare diaphragm advances into and retreats from the optical path for cutting deleterious light responsive to said lenses moving in a direction of an optical axis, wherein said flare diaphragm is formed by a flexible member(abstract, col 2).

Regarding claim 13, Akihiro discloses a flare diaphragm disposed on an optical path of lenses or in a vicinity thereof such that said flare diaphragm advances into and retreats from the optical path for cutting deleterious light responsive to said lenses moving in a direction of an optical axis, wherein said flare diaphragm is disposed only on a lower side of the optical axis in a rear portion of said lens barrel(abstract, col 2).

Regarding claim 14, Akihiro discloses a flare diaphragm disposed on an optical path of lenses or in a vicinity thereof such that said flare diaphragm advances into and retreats from the optical path for cutting deleterious light responsive to said lenses moving in a direction of an optical axis, wherein said flare diaphragm has a center of

rotation orthogonal to the optical axis, and advances into and retreats from the optical path by a rotating operation corresponding to a position of the lenses(abstract, col 2).

Regarding claim 15, Akihiro discloses ' lenses forming a photographic optical system; a lens holding frame for holding said lenses, said lens holding frame being moved in a direction of an optical axis to perform a focal distance changing operation or a focusing operation for the photographic optical system; and a moveable flare diaphragm respectively, advanced in a direction toward and retreated in an opposite direction away from a photographic optical path for cutting deleterious light in response to movements of said lens holding frame in opposite directions along the optical axis(abstract, col 2).

Regarding claim 16, Akihiro discloses said flare diaphragm is disposed only on a lower side of the optical axis in a rear portion of said lens barrel(abstract, col 2).

Regarding claim 17, Akihiro discloses at least one point along the flare diaphragm remains stationary and another portion thereof moves into and out of the optical path(abstract, col 2).

Regarding claim 18, Akihiro discloses said flare diaphragm is advanced and retreated by movements of said lens holding frame in the direction of the optical axis caused by a change in focal distance of said lenses(abstract, col 2).

Regarding claim 19, Akihiro discloses lenses forming a photographic optical system; a lens holding frame for holding said lenses, said lens holding frame being moved in a direction of an optical axis to perform distance changing operation or a

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focusing operation for photographic optical system; a flare diaphragm advanced into and retreated from a photographic optical path for cutting deleterious light in response to movements of said lens holding frame in the direction of the optical axis, wherein a driving motor for driving said lenses for zooming or focusing is used as a driving source of said flare diaphragm(abstract, col 2).

Regarding claim 20, Akihiro discloses lenses forming a photographic optical system; a lens holding frame for holding said lenses, said lens holding frame being moved in a direction of an optical axis to perform a focal distance changing operation or a focusing operation for the photographic optical system; and a flare diaphragm advanced into and retreated from a photographic optical path for cutting deleterious light in response to movements of said lens holding frame in the direction of the optical axis, wherein said flare diaphragm is formed by a flexible member(abstract, col 2).

Regarding claim 22, Akihiro discloses lenses forming a photographic optical system; a lens holding frame for holding said lenses, said lens holding frame being moved in a direction of an optical axis to perform a focal distance changing operation or a focusing operation for the photographic optical system; and a flare diaphragm advanced into and retreated from a photographic optical path for cutting deleterious light in response to movements of said lens holding frame in the direction of the optical axis, wherein said flare diaphragm swings about a center of rotation orthogonal to the optical axis, and advances into and retreats from the

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optical path by rotating operations corresponding to a position of the lenses (abstract, col 2).

***Allowable Subject Matter***

Claims 4, 5, 7, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12, 21, 23-30 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art taken either singularity or in combination fails to anticipate or fairly suggest the limitations of the independent claim, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 12, 23-26, with the important feature being; the flare diaphragm is disposed in a space of D-shaped cut portion in the lenses which does not contribute to an effective light beam (claims 12, 21); the flare diaphragm is formed from a flexible member disposed on one of an optical path of the lenses. Therefore claims 12, 21, 23-30 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (703) 305-0881. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (703) 308-4883.

T.J.T.

2/25/05

  
TIMOTHY THOMPSON  
PRIMARY EXAMINER